

RECEIVED
JUL - 6 1994

ENVIRONMENTAL
HEARING OFFICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF MAILING

I certify under penalty of perjury under
the laws of the state of Washington that
I caused a copy of this document to be
mailed to all parties this ____ day of
May, 1994, at Olympia, WA.

Signed: _____

BEFORE THE FOREST PRACTICES APPEALS BOARD

STATE OF WASHINGTON

WESTERN INTERNATIONAL FOREST)
PRODUCTS,)
Appellant,)
v.)
STATE OF WASHINGTON)
DEPARTMENT OF NATURAL)
RESOURCES,)
Respondent.)
CITY OF AUBURN,)
Appellant,)
STATE OF WASHINGTON)
DEPARTMENT OF NATURAL)
RESOURCES, and WESTERN)
INTERNATIONAL FOREST)
PRODUCTS, INC.,)
Respondent.)

CONSOLIDATED CASES
NO. 93-81

NO. 93-86

93-87

///
///
///
///
///

STIPULATION, MOTION
TO DISMISS, AND ORDER - 1

ATTORNEY GENERAL OF WASHINGTON
905 Plum Street, Building 3
PO Box 40100
Olympia, WA 98504-0100
(206) 753-6200

1	THOMAS C. MATHEWS and)	
2	PATRICIA J. MATHEWS, husband)	
	and wife,)	
3)	
	Appellants,)	NO. 93-87
4)	
	v.)	STIPULATION, MOTION TO
)	DISMISS, AND ORDER
5	DEPARTMENT OF NATURAL)	
	RESOURCES, STATE OF)	
6	WASHINGTON; WILLIAM G. MOORE)	
	aka BILL MOORE and JUNE)	
7	MOORE, husband and wife;)	
	AMERICAN NORTHWEST, INC.;)	
8	WESTERN INTERNATIONAL)	
	SPECIALTY PRODUCTS; and)	
9	CITY OF AUBURN,)	
)	
10	Respondents.)	
11)	

12 **I. MOTION TO DISMISS**

13 The parties in the above-entitled appeal, Thomas and Patricia
14 Mathews, represented by attorney Michael Reynolds; Western
15 International Forest Products, represented by attorney Charles E.
16 Corrigan; City of Auburn, represented by assistant city attorney
17 Judith Ausman; American Northwest/William Moore, pro se; and the
18 Department of Natural Resources (DNR), represented by assistant
19 attorney general Cheryl Nielson, move the Forest Practices Appeals
20 Board (FPAB) for an Order dismissing this action. This motion is
21 based upon the stipulation contained herein.

22 **II. STIPULATION**

23 In consideration of full settlement of the above-entitled
24 appeal, the parties agree as follows:

25 1. On June 10, 1993, Forest Practices Application FP-09-
26 20577, for a clearcut harvest of approximately 65 acres, was

1 submitted by American Northwest/William Moore as landowner and
2 Southern Cascade as timber owner to DNR.

3 2. Forest Practices Application FP-09-20577 contained the
4 following information:

5 (a) that the forest practices operation area was
6 entirely within King County and not within the limits of the City
7 of Auburn,

8 (b) that the landowner did not intend to clear, improve
9 or develop the land within three years,

10 (c) that the landowner was American Northwest, Inc.,
11 (William Moore President) and that the timber owner was Southern
12 Cascade Investment, Inc.

13 3. On June 29, 1993, DNR approved FP-09-20577 as a Class
14 III forest practice.

15 4. On September 22, 1993, DNR issued a Stop Work Order to
16 American Northwest Inc. requiring American Northwest to submit a
17 new forest practices application (to take the place of FP-09-
18 20577), to be processed as a Class IV-General conversion, in order
19 to accurately reflect statements by representatives of American
20 Northwest, Inc. that the land was, in fact, going to be converted.

21 5. On October 27, 1993, DNR issued a Stop Work Order to
22 American Northwest, Inc., William and June Moore, and Thomas and
23 Patricia Mathews as landowners; Western International Forest
24 Products, American Northwest, Inc., William and June Moore and
25 Thomas and Patricia Mathews as timber owners; and Western
26 International Forest Products and Hillcrest Logging as Operators.

1 6. By its terms, the October 27, 1993 Stop Work Order
2 rescinded and superseded the September 22, 1993 Stop Work Order.

3 7. The October 27, 1993, Stop Work Order required
4 submission of a new forest practices application (to take the
5 place of FP-09-20577) which accurately reflected the operation on
6 the site, the area of the operation and the identities of the
7 forest landowner and timber owner.

8 8. On December 8, 1993, American Northwest/William Moore as
9 landowner and Western International as timber owner submitted
10 forest practices application FP-09-21368 (2400212) for a clearcut
11 harvest of approximately 18 acres.

12 9. Forest practices application FP-09-21368 (2400212)
13 contained the following information:

14 (a) that the forest practices operation area was within
15 the limits of the City of Auburn,

16 (b) that the landowner did not intend to clear, improve
17 or develop land within three years,

18 (c) that the landowner was American Northwest,
19 Inc./William Moore and the timber owner was Western International
20 Forest Products, Inc.

21 10. On December 21, 1993, DNR approved FP-09-21368 as a
22 Class III forest practice.

23 11. FP-09-21368 replaced and cancelled FP-09-20577.

24 12. On November 12, 1993, Western International Forest
25 Products, Inc. appealed DNR's issuance of the October 27, 1993
26 Stop Work Order in case later assigned FPAB No. 93-81.

1 13. On December 21, 1993, Thomas and Patricia Mathews
2 appealed DNR's approval of FP-09-21368 in a case later assigned
3 FPAB No. 93-87.

4 14. On December 21, 1993, the City of Auburn appealed DNR's
5 approval of FP-09-21368 in a case later assigned FPAB No. 98-86.

6 15. The FPAB appeals referenced in statements 12, 13, and 14
7 above were consolidated by FPAB Order dated February 1, 1994.

8 16. The Honorable William A. Harrison, FPAB Administrative
9 Appeals Judge, stayed operations under FP-09-21368 (2400212) by
10 Order dated December 22, 1993.

11 17. The December 22, 1993 stay was continued by Order dated
12 January 14, 1994, until a decision handed down after a hearing on
13 the merits. By verbal clarification during a prehearing
14 conference held May 24, 1994, The Honorable William A. Harrison
15 interpreted the January 14, 1994, wording as continuing the stay
16 until such time as a final Order is issued in the consolidated
17 cases.

18 18. By letter dated May 23, 1994, to DNR forester Charles
19 Frame, William Moore, as president of American Northwest, Inc.,
20 cancelled forest practices applications FP-09-20577 and FP-09-
21 21368 (240012).

22 19. By letter dated May 27, 1994, DNR acknowledged and
23 accepted the cancellation of forest practices applications no. FP-
24 09-20577 and no. FP-09-21368 (2400212).

25 20. Therefore, all parties agree that the issues relating to
26 forest practices applications FP-09-20577 and FP-09-21368

1 (2400212) and the October 27, 1993 Stop Work Order are moot and
2 that the appeals should be dismissed.

3 CHRISTINE O. GREGOIRE
4 Attorney General

5 Dated: 7/06/94

Cheryl A. Nielson
6 CHERYL A. NIELSON
7 Assistant Attorney General
8 WSBA No. 20163
9 Attorneys for Respondent
10 State of Washington,
11 Department of Natural Resources

12 Dated: 6/27/94

Michael J. Reynolds
13 MICHAEL J. REYNOLDS
14 WSBA No. 5795
15 Attorneys for Appellant/
16 Intervenor/Respondent
17 Thomas C. Mathews and
18 Patricia J. Mathews

19 O'DONNELL, RAMIS, CREW
20 & CORRIGAN

21 Dated: 7/1/94

Charles E. Corrigan
22 CHARLES E. CORRIGAN
23 WSBA No. 07504
24 Attorneys for Appellant/
25 Respondent Western International
26 Forest Products

27 Dated: 6/29/94

Judith C. Ausman
28 JUDITH C. AUSMAN
29 Assistant City Attorney
30 WSBA No. 15686
31 Attorneys for Appellant/
32 Intervenor/Respondent
33 City of Auburn

34 Dated: 6/16/94

William G. Moore
35 WILLIAM G. MOORE, Pro Se
36 Respondent

STIPULATION, MOTION
TO DISMISS, AND ORDER - 6

ATTORNEY GENERAL OF WASHINGTON
905 Plum Street, Building 3
PO Box 40100
Olympia WA 98504-0100
(206) 753-6200

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

III. ORDER

THIS MATTER, having come before the Forest Practices Appeals Board and The Honorable William A. Harrison, Administrative Appeals Judge, based on the foregoing Stipulation and Motion to Dismiss, now therefore,

IT IS HEREBY ORDERED that forest practices applications FP-09-20577 and FP-09-21368 are cancelled; that the issues raised by consolidated cases numbered FPAB 93-81, FPAB 93-86 and FPAB 93-87 are moot; and that the appeals are dismissed.

DONE this 2nd day of August, 1994.

FOREST PRACTICES APPEALS BOARD

William A. Harrison
The Honorable William A. Harrison
Administrative Appeals Judge

Martin R. Kaatz
DR. MARTIN R. KAATZ

Robert E. Quoidbach
ROBERT E. QUOIDBACH

Norman Winn
NORMAN WINN

Presented by:

CHRISTINE O. GREGOIRE
Attorney General


Cheryl A. Nielson
CHERYL A. NIELSON
Assistant Attorney General
WSBA No. 20163
Attorneys for Respondent
State of Washington,
Department of Natural Resources

Dated: 7/04/94

STIPULATION, MOTION
TO DISMISS, AND ORDER - 7

ATTORNEY GENERAL OF WASHINGTON
905 Plum Street, Building 3
PO Box 40100
Olympia WA 98504-0100
(206) 753-6200

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26



Dated: 6/22/94

MICHAEL J. REYNOLDS
WSBA No. 5795
Attorneys for Appellant/
Intervenor/Respondent
Thomas C. Mathews and
Patricia J. Mathews

O'DONNELL, RAMIS, CREW
& CORRIGAN



Dated: 7/1/94

CHARLES E. CORRIGAN
WSBA No. 07504
Attorneys for Appellant/
Respondent Western International
Forest Products



Dated: 6/29/94

JUDITH C. AUSMAN
Assistant City Attorney
WSBA No. 15686
Attorneys for Appellant/
Intervenor/Respondent
City of Auburn



Dated: 6-16-94

WILLIAM G. MOORE, Pro Se
Respondent